

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
)
) MDL NO. 1456
) Civil Action No. 01-12257-PBS
)

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

) Hon. Patti B. Saris
)
)
)

**TRACK 1 DEFENDANTS' MOTION TO STRIKE
THE DECLARATION OF RAYMOND S. HARTMAN**

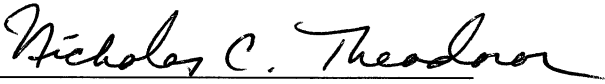
Track 1 defendants AstraZeneca Group, the BMS Group, SmithKline Beecham Corporation d/b/a GlaxoSmithKline, the Johnson & Johnson Group and the Schering-Plough Group respectfully move this Court for an order striking the declaration of Raymond S. Hartman, sworn to September 3, 2004, which was submitted in support of plaintiffs' motion for class certification.

In support of this Motion, defendants submit the attached Memorandum of Law in Support of Defendants' Motion to Strike the Declaration of Raymond S. Hartman, the Declaration of Halbert L. White, Jr., and the exhibits attached to the Declaration of Halbert L. White, Jr.

Dated: October 25, 2004

Respectfully submitted,

THE TRACK 1 DEFENDANTS

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

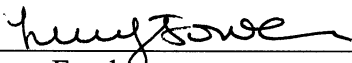
Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendants conferred with counsel for plaintiffs on this motion, and that counsel for plaintiffs do not assent to the motion.

By: 

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by express mail on October 25, 2004.



Lucy Fowler

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2004, I caused a true and correct copy of the Track
1 Defendants' Motion to Strike the Declaration of Raymond S. Hartman to be served on all
counsel of record by electronic service pursuant to Case Management Order No. 2.

_____/s/
Jason R. Litow